

TEMPORARY

Application No. **78756T**

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS
OF THE STATE OF NEVADA HERETOFORE APPROPRIATED**

THIS SPACE FOR OFFICE USE ONLY

Date of filing in State Engineer's Office JUL 23 2009

Returned to applicant for correction _____

Corrected application filed _____ Map filed JUL 23 2009

The applicant Muddy Valley Irrigation Company ("MVIC")

P.O. Box 665 of Overton
Street Address or P.O. Box City or Town

Nevada, 89040, hereby make(s) application for permission to change the
State and Zip Code

☒ Point of diversion ☐ Place of use ☐ Manner of use ☒ of a portion

of water heretofore appropriated under (Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

Permit 73483

1. The source of water is Muddy River
Name of stream, lake, underground, spring or other sources.

2. The amount of water to be changed 6 c.f.s.
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for Irrigation and domestic
Irrigation, power, mining, commercial, etc. If for stock, state number and kind of animals. Must limit to one major use.

4. The water heretofore used for Irrigation and domestic
If for stock, state number and kind of animals.

5. The water is to be diverted at the following point (Describe as being within a 40-acre subdivision of public survey and by course and distance to a found section corner. If on unsurveyed land, it should be stated.)

NW 1/4 NW 1/4 Section 6, T15S, R66E MDB&M, at a point from which the NW corner of Section 6, T15S, R66E MDB&M bears N 36 degrees 27' 4" W, a distance of 1392 feet.
See supporting map filed w/ this application.

6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)

The existing POD is within the SW 1/4 SE 1/4, Section 26, T14S, R65E, MDB&M, at a point from which the NE corner of Section 26 T14S, R56E, MDB&M bears N 29 degrees 44' 20" E, a distance of 5,187.12 feet.
see map filed under Permit 73482

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)

No change in place of use.

8. Existing place of use (Describe by legal subdivisions. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.)

Place of use is described in permit 73483 and the map that accompanies that permit. under 73482

see attached Exhibit

REL

9. Proposed use will be from January 01 to December 31 of each year.
Month and Day Month and Day

10. Existing use permitted from January 01 to December 31 of each year.
Month and Day Month and Day

11. Description of proposed works. (Under the provision of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) (State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes or drilled well, pump and motor, etc.)

Pumped diversion into a pipeline from a sump that will be off-set from river channel.

12. Estimated cost of works \$150,000

13. Estimated time required to construct works 6 months

If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use one year

15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary). The proposed use should be temporary in nature, or the requested change should be the result of an unforeseen OCCURRENCE: (Failure to provide a detailed description may cause a delay in processing.)

This temporary application is submitted so that the Moapa Band of Paiute Indians ("MBPI") can, during the 2009 irrigation season, irrigate its lands using the balance of its Muddy River water rights (i.e., those not covered by the MBPI -- SNWA Sublease described in ¶16 below).

16. Miscellaneous remarks:

(See attached remarks)

702) 398-7310

Phone No.

muddyvalley@mvdsl.com

E-mail

By Scott Millington

Print or type name clearly

Scott Millington (General Manager)

Signature, applicant or agent

Muddy Valley Irrigation Co.

Company Name

P.O. Box 665

Street Address or P.O. Box

Overton, Nevada 89040

City, State, Zip Code

**APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT**

\$100 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION

Exhibit

7+8.

Proposed place of use....

..... Describe by legal subdivisions. If for irrigation state number of acres to be irrigated. A portion of SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec 25, S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 26, NE $\frac{1}{4}$ Sec 35, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec 36 T. 14 S., R. 65 E. SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 31 T. 14S. R. 66 E. NE $\frac{1}{4}$ Sec 1 T. 15S., R. 65 E., W $\frac{1}{2}$ NW $\frac{1}{4}$ Sec 6 T. 15S., R. 66 E. all M D B & M. 646 acres total.....

*As shown on Map**Under 73483**Filed under 73482*

TEMPORARY**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS
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This change application seeks only to change a portion of the diversion rate of permit 73483 to a new point of diversion. We request the seasonal diversion rates and consumptive use quantity remain a combined duty for this change application and permits 73482, 73483, and 73695. We also request that the diversion rate subject to this change application be allowed to revert back to the original point of diversion under permit 73483 if at anytime MVIC wishes to withdraw this application.

The MBPI water rights in the Muddy River covered by this application are founded on a Surface Water Lease ("MVIC – MBPI Lease") dated 4/20/06 by which MVIC leased Muddy River water rights to MBPI for 99 years (with an 99-year renewal option). Recently, MBPI subleased rights under that MVIC – MBPI Lease to Southern Nevada Water Authority ("SNWA") for a five-year term (1/1/09 to 12/31/13) ("MBPI – SNWA Sublease"), on the basis of which SNWA expects to obtain water credits in Lake Mead in the form of "Intentionally Created Surplus" under Colorado River Guidelines issued by the Secretary of the Interior on 12/13/07. During years 1, 2 and 3 of the MBPI – SNWA Sublease, the Sublease will provide a minimum of 3300 consumptive afy to SNWA, and during years 4 and 5 of that Sublease will provide a minimum of 2300 consumptive afy to SNWA. The balance of the Muddy River rights under the MVIC – MBPI Lease (maximums of 400 consumptive afy in MBPI – SNWA Sublease years 1, 2 and 3 and 1400 consumptive afy in Sublease years 4 and 5), will mean reduced irrigation of MBPI lands during the five year term of the MBPI – SNWA Sublease. The POD sought by this application will enable more efficient use for irrigation purposes of water diverted by MBPI. At the requested POD, MBPI will construct a pressurized irrigation pipeline system. The existing irrigation canals on the Reservation are not expected to be used during the MBPI – SNWA Sublease term. The change from open channel to pressurized and metered pipeline irrigation will improve efficiency and provide better accounting of water used.

2009 JUL 23 PM 3:31
STATE ENGINEER'S OFFICE